

Serial No.: 09/977,589
Art Unit: 2835

UPA-01208

REMARKS

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by Yu (US 5539371), and claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yu (US 5539371) in view of Yu (US 6072381).

Claims 1-3 are now cancelled. A new independent claim 4 is presented to particularly point out and distinctly claim the subject matter of the invention to overcome the rejections under 35 U.S.C. §102(b) and §103(a).

More specifically, claim 4 recites that the safety switch comprises a bimetal plate having a first end formed with a protrusion, two legs extending towards a second end of said bimetal plate, and a tongue located between said two legs, said tongue having a fixed end connected to said protrusion and a free end formed with a second contact point, said protrusion is moveably located in said lower recess of the E-shaped connector and when said E-shaped connection member is pushed down by said switch member, an inside of said lower recess pushes down said protrusion to raise said free end of said tongue and said second contact point away from said first contact.

The bimetal plate of the instant invention as claimed in claim 4 is very different from the bimetal plate of Yu (US 5539371). It is clearly not anticipated by Yu (US 5539371). Applicant respectfully submits that claim 4 has overcome rejection under 35 U.S.C. §102(b).

As can be seen from FIG. 4 of Yu (US 5539371), the bimetal plate of Yu has a protrusion 172 which is engaged with a spring blade 18. The bimetal plate passes through

Serial Nr.: 09/977,589
Art Unit: 2835

UPA-01208

a lower recess 140 of the E-shaped member 14. "Raising" the E-shaped member also raises the contact point 171 away from the contact point 160. In other words, the switch is cut off by raising the E-shaped member. In the instant invention, however, the switch is cut off by pushing down the E-shaped member as claimed in claim 4. As a consequence, the E-shaped member of Yu (US 5539371) and its bimetal plate teach away from the instant invention.

With reference to Fig. 3b of Yu (US 6,072,381), it shows a bimetal plate with two legs and a tongue. The bimetal plate has a hole engaged with a hook member 34 of Fig. 3b. It is clear that there is no protrusion connected to the fixed end of the tongue and there is no member moveably located inside the lower recess of an E-shaped member either. As pointed out above, although Yu (US 5539371) discloses the E-shaped member, it teaches away from the structure formed by the E-shaped member and the bimetal plate of the invention because the operation of the bimetal plate in Yu (US 5539371) is different from the instant invention. Yu (US 6,072,381) does not teach or anticipate the E-shaped member and the protrusion of the bimetal plate of the invention either. Consequently, it is not logical for a person with ordinary skill to combine Yu (US 6,072,381) with Yu (US 5539371) to reach the instant invention.

From the foregoing discussion, it is clear that the instant invention differs from the cited prior arts. The physical difference results in different effects and is not obvious. The new claim 4 has overcome the rejections under 35 U.S.C. §102(b) and §103(a) and should be patentable. It should also be noted that both prior arts US 6,400,250 and US


Serial Nr.: 09/977,589
Art Unit: 2835

LPA-01208

6,480,090 were commonly owned by the applicant when the claimed invention was made, they disqualify as prior arts pursuant to MPEP 804.03IIA.

The entire specification has been carefully amended to correct the unclear terms pointed out by the examiner as well as all other deficiencies. It should now comply with the requirements set forth in 35 U.S.C. 112. Although the office action has been made final, entering and consideration of the above amendment are greatly appreciated because the invention indeed contains allowable subject matter. Prompt and favorable reconsideration of the application is respectfully solicited.

Respectfully submitted,



Jason Z. Lin
Agent for Applicants
Reg. No. 37,492
(408) 867-9757

FAX RECEIVED**AUG 20 2003****GROUP 2800****OFFICIAL**